WP(C) 4310/2006
BEFORE
HON'BLE JUSTICE B.K. SHARMA

W.P.(C) No. 4310/06
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THE HON'BLE MR JUSTICE B.K. SHARMA

11.09.2006

Heard Ms. D.C. Kath Hazarika, learned counsel for the petitioner and Ms. R. Chokraborty, learned counsel for the respondents.

By means of this writ petition, the petitioner who is stated to be the Secretary of the Society, has prayed for a direction to the respondent to grant extension of his/ Managing Committee's terms by another one year. The ground for such extension is that the Society has suffered loss and has contested as many as nine litigations.

Admittedly, the term of office of the Managing Committee of the Society and for that matter the term of office of the petitioner has already expired which will be evident from Annexure-E communication dated 17.03.06. Such exemption/extension was granted for a period of three months from the date of expiry of the earlier term of the Managing Committee. Learned counsel for the petitioner has submitted that the term has already expired on 30.06.06. However, the writ petition has been filed on 29.08.06 seeking extension of the expired term.

As to whether a particular Society should be given extension or not, is entirely on the discretion of the Govt. and the writ Court cannot issue mandamus for granting such extension. It is desirable that the AGM/election should be held within the term of office of the Managing Committee. If there is failure on the part of the Managing Committee, same cannot clothe it with the right of extension for further period.

In view of the above, I do not find any merit in the writ petition and it is dismissed. The AGM shall be held by the respondents, more particularly the Registrar of the Cooperative Societies by deputing some responsible officers as early as possible preferably within 31.10.06.

JUDGE
Kborah